

BOROUGH OF LONGPORT
Atlantic County - New Jersey
Resolution
2021-88

A Resolution Authorizing Execution of Retainer Agreement with Kessler Topaz Meltzer & Check, LLP, to Pursue “Streaming Services Litigation” for Potential Violations of New Jersey Cable Television Act

WHEREAS, The Governing Body of the Borough of Longport has been approach by the law firm of Kessler Topaz Meltzer & Check, LLP (“Kessler Topaz”) to serve legal counsel in connection with potential litigation against Netflix, Inc., Hulu, LLC, Disney DTC, LLC and potentially other entities for violations of New Jersey’s Cable Television Act (the “Streaming Services Litigation”).

WHEREAS, Kessler Topaz has advised the proposed theory of the litigation has been brought in other states with laws similar to New Jersey. In addition, Kessler Topaz has advised the Borough they have conducted a thorough investigation into the facts and circumstances concerning the alleged violations and believe the action to be meritorious.

WHEREAS, Kessler Topaz has committed in the retainer agreement to be executed that they will prosecute this proposed class action on a contingency fee basis. This means Kessler Topaz will not seek payment of any fees unless the lawsuit generates a recovery or benefit. In no event will Longport Borough be responsible for any fees, costs or expenses associated with this litigation. If there is no recovery or benefit achieved, Kessler Topaz will not seek to be paid. Finally, Kessler Topaz will be solely responsible for out-of-pocket expenses in this litigation.

WHEREAS, The Governing Body is of the opinion pursuing this litigation, with no cost to the Borough, is in the best interest of the taxpayers of the Borough.

NOW, THEREFORE BE IT RESOLVED:

The Mayor is hereby authorized to execute a retainer agreement with Kessler Topaz to permit them to pursue litigation pursuant to the terms of the agreement.

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSION	AYE	NAY	N.V	A.B.	MOT.	SEC.
RUSSO	X					X
LEEDS	X					
LAWLER	X				X	
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk’s Office.

DATE OF ADOPTION:

5/19/2021

 Monica A. Kyle, RMC, Municipal Clerk